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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204667
Party	Defendant Caymus Medical, Inc.
Correspondence Address	DONALD E STOUT STOUT UXA BUYAN & MULLINS LLP 4 VENTURE, STE 300 IRVINE, CA 92618-7384 UNITED STATES dstout@patlawyers.com, cfisher@patlawyers.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Donald E. Stout
Filer's e-mail	dstout@patlawyers.com
Signature	/Donald E. Stout/
Date	09/12/2012
Attachments	A05036FirstAmendedAnswer0901212.pdf (17 pages)(1325198 bytes) AnswerExhibitA.pdf (3 pages)(386892 bytes) AnswerExhibitB.pdf (2 pages)(178252 bytes) AnswerExhibitC.pdf (5 pages)(1104575 bytes) AnswerExhibitD.pdf (3 pages)(456159 bytes) AnswerExhibitE.pdf (2 pages)(3473598 bytes) AnswerExhibitF.pdf (6 pages)(1381922 bytes) AnswerExhibitG.pdf (5 pages)(1185027 bytes) AnswerExhibitH.pdf (3 pages)(348533 bytes) AnswerExhibitI.pdf (6 pages)(594274 bytes) FirstAmendedAnswerExhibitJ.pdf (3 pages)(623660 bytes) FirstAmendedAnswerExhibitK.pdf (3 pages)(1457017 bytes) FirstAmendedAnswerExhibitL.pdf (3 pages)(250162 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of: Serial No. 85/281308)	
Filed: March 30, 2011)	
Mark: CAYMUS MEDICAL (and design))	
And)	
Serial No. 85/279926)	
Filed: March 29, 2011)	Opposition No. 91204667
Mark: CAYMUS MEDICAL)	
)	
Caymus Vineyards,)	
Opposer,)	
v.)	
Caymus Medical, Inc. ,)	
Applicant.)	

APPLICANT'S FIRST AMENDED ANSWER

Applicant Caymus Medical, Inc. ("Caymus Medical" or "Applicant") through its undersigned counsel, moves to amend its Answer, filed July 18, 2012 (the "Answer"). This motion is respectfully believed to be appropriate pursuant to Fed. R. Civ. P. 15(a)(1)(B).

Applicant denies each and every allegation of the Notice of Opposition ("Notice") unless otherwise admitted or responded to as follows.

In response to the allegations related to Applicant's trademark applications Serial Number 85/281308, filed March 30, 2011 (seeking registration of the mark CAYMUS MEDICAL (and design)) and Serial Number 85/279926, filed March 29, 2011 (seeking registration of the word mark CAYMUS MEDICAL) (jointly and severally, the "Applications"), Applicant states that the details regarding each of the Applications are a matter of public record and speak for themselves. Applicant denies all the remaining allegations set forth in Opposer's introductory paragraphs and specifically denies that Opposer has been or will be damaged by registration of either of the marks that are the

subject of the Applications. Applicant pleads as follows:

- Answering paragraph 1 of the Notice, Applicant lacks sufficient information to admit or deny the allegations contained in paragraph 1 of the Notice of Opposition, and accordingly denies same.
- 2. Answering paragraph 2 of the Notice, in response to the allegations related to Opposer's United States Trademark registration number 1,883,996 (the "Registration"), the details of the Registration are matters of public record and speak for themselves. Applicant lacks sufficient information to admit or deny the remaining allegations in paragraph 2 of the Notice, and accordingly denies same.
- 3. Answering paragraph 3 of the Notice, Applicant denies that Opposer's pleaded mark is well-known or famous. Applicant lacks sufficient information to admit or deny the remaining allegations in paragraph 3 of the Notice, and accordingly denies same.
- 4. Answering paragraph 4 of the Notice, Applicant denies that Opposer's pleaded mark is valid or incontestable. Applicant lacks sufficient information to admit or deny the remaining allegations in paragraph 4 of the Notice, and accordingly denies same.
- 5. Answering paragraph 5 of the Notice, Applicant lacks sufficient information to admit or deny the allegations in paragraph 5 of the Notice, and accordingly denies same.
 - 6. Answering paragraph 6 of the Notice, Applicant denies the allegations of

paragraph 6 of the Notice.

- 7. Answering paragraph 7 of the Notice, the details concerning Oppositions No. 91092049 and 91092113 are a matter of public record and speak for themselves. Applicant denies the remaining allegations of paragraph 7 of the Notice.
- 8. Answering paragraph 8 of the Notice, the details related to the Applications and Registration, including filing dates and other details concerning the Applicant, are a matter of public record and speak for themselves. Applicant denies the remaining allegations of paragraph 8 of the Notice.
- 9. Answering paragraph 9 of the Notice, Applicant admits that to date Applicant has made no use of the Applications' marks in connection with any goods. Applicant denies the remaining allegations of paragraph 9 of the Notice.
- 10. Answering paragraph 10 of the Notice, Applicant lacks sufficient information to admit or deny the allegations of paragraph 10 of the Notice, and accordingly denies same.
- Applications and Registration, including filing dates and registration dates, are a matter of public record and speak for themselves, and that no trademark use of the Applications' marks has yet been made. Applicant denies the remaining allegations of paragraph 11 of the Notice.
 - 12. Answering paragraph 12 of the Notice, Applicant denies the allegations of

paragraph 12 of the Notice.

- 13. Answering paragraph 13 of the Notice, Applicant denies the allegations of paragraph 13 of the Notice.
- 14. Answering paragraph 14 of the Notice, Applicant incorporates its answers to paragraphs 1-13 above as if fully set forth herein.
- 15. Answering paragraph 15 of the Notice, Applicant denies the allegations of paragraph 15 of the Notice.
- 16. Answering paragraph 16 of the Notice, Applicant denies the allegations of paragraph 16 of the Notice.
- 17. Answering paragraph 17 of the Notice, Applicant denies the allegations of paragraph 17 of the Notice.
- 18. Answering paragraph 18 of the Notice, Applicant denies the allegations of paragraph 18 of the Notice.
- 19. Answering paragraph 19 of the Notice, Applicant denies the allegations of paragraph 19 of the Notice.
- 20. Answering paragraph 20 of the Notice, Applicant denies the allegations of paragraph 20 of the Notice.

- 21. Answering paragraph 21 of the Notice, Applicant denies the allegations of paragraph 21 of the Notice.
- 22. Answering paragraph 22 of the Notice, Applicant denies the allegations of paragraph 22 of the Notice.
- 23. Answering paragraph 23 of the Notice, Applicant denies the allegations of paragraph 23 of the Notice.
- 24. Answering paragraph 24 of the Notice, Applicant denies the allegations of paragraph 24 of the Notice.
- 25. Answering paragraph 14 of the Notice, Applicant incorporates its answers to paragraphs 1-24 above as if fully set forth herein.
- 26. Answering paragraph 26 of the Notice, Applicant denies the allegations of paragraph 26 of the Notice.
- 27. Answering paragraph 27 of the Notice, Applicant denies the allegations of paragraph 27 of the Notice.
- 28. Answering paragraph 28 of the Notice, Applicant denies the allegations of paragraph 28 of the Notice.

- 29. Answering paragraph 29 of the Notice, Applicant denies the allegations of paragraph 29 of the Notice.
- 30. Answering paragraph 30 of the Notice, Applicant denies the allegations of paragraph 30 of the Notice.
- 31. Answering paragraph 31 of the Notice, Applicant incorporates its answers to paragraphs 1-30 above as if fully set forth herein.
- 32. Answering paragraph 32 of the Notice, Applicant denies the allegations of paragraph 32 of the Notice.
- 33. Answering paragraph 33 of the Notice, Applicant denies the allegations of paragraph 33 of the Notice.
- 34. Answering paragraph 34 of the Notice, Applicant denies the allegations of paragraph 34 of the Notice.
- 35. Answering paragraph 35 of the Notice, Applicant denies the allegations of paragraph 35 of the Notice.
- 36. Answering paragraph 36 of the Notice, Applicant denies the allegations of paragraph 36 of the Notice.

Affirmative Defenses

FIRST AFFIRMATIVE DEFENSE

37. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

38. Opposer's mark cannot be accorded the deference due a strong, inherently distinctive and/or arbitrary mark, because it is neither strong, inherently distinctive, nor arbitrary.

THIRD AFFIRMATIVE DEFENSE

39. There is no dilution of Opposer's pleaded mark "CAYMUS" because, inter alia, this mark is not famous within the meaning of U.S. trademark law.

FOURTH AFFIRMATIVE DEFENSE

40. There is no likelihood of confusion, mistake or deception because, inter alia, Applicant's opposed marks, which identify the source of medical and surgical devices, apparatus and instruments, and the pleaded Opposer's mark, which identifies the source of wines, are drawn to entirely different goods and/or services.

FIFTH AFFIRMATIVE DEFENSE

41. There is no likelihood of confusion, mistake or deception because, inter alia,

Applicant's opposed marks, which identify the source of medical and surgical devices, apparatus and
instruments, and the pleaded Opposer's mark, which identifies the source of wines, are used in

different marketing channels.

SIXTH AFFIRMATIVE DEFENSE

42. There is no likelihood of confusion, mistake or deception because, inter alia,

Applicant's goods are marketed to sophisticated, medically literate corporate consumers and medical

professionals who exercise a high degree of care in their purchasing decisions, and clearly understand
the remote likelihood that a vineyard would the supplier of the medical devices identified by the

CAYMUS MEDICAL marks of Applicant's Applications.

SEVENTH AFFIRMATIVE DEFENSE

43. Opposer is estopped from enforcing the pleaded Registration under the equitable doctrine of unclean hands because the pleaded Registration was obtained and maintained fraudulently, deceitfully and/or by misrepresentation such that Opposer should be denied relief herein.

Counterclaim

FIRST GROUND

- 44. Applicant repeats and realleges each and every allegation set forth in the preceding paragraphs as if set forth herein. Applicant hereby seeks cancellation of Registration No. 1,833,996 because this registration was obtained fraudulently.
- 45. During the prosecution of this trademark Examining Attorney Linda E. Blohm specifically required "[t]he applicant must indicate whether CAYMUS has any . . . geographical significance or any meaning in a foreign language." Exhibit A; (U.S. trademark application Serial

No. 74/386086; Office Action 01, mailed on October 15, 1993 to Mr. Scott W. Peterson (Caymus Vineyards' legal representative.) In Office Action 02 Examining Attorney Blohm entered an Examiner's Amendment made "in accordance with the telephone conversation of November 1, 1993 with Scott W. Peterson" stating in part "[t]he wording "CAYMUS" has no significance other than trademark significance." Exhibit B (Examiner's Amendment mailed December 2, 1993). This statement is false, as the word "Caymus" has geographical significance and indicates a region of the Napa Valley including the Rutherford, California location of Opposer's winery.

Facts Supporting First Ground

- 45. Originally the word "Caymus" was the name of a Native American tribe that "dwelt upon the Yount grant, to which they gave their name." (Exhibit C; Menifee, Campbell A., Historical and Descriptive Sketch Book of Napa, Sonoma, Lake and Mendocino at 19 (Reporter Publishing House 1873) (emphasis added). The "Yount grant" was an 11,887-acre Mexican land grant given in 1836 by the acting governor of California, Nicolas Guiterrez, to George C. Yount as "Rancho Caymus", and included present day Yountville, Oakville and Rutherford. See Exhibit D; Rancho Caymus, Wikipedia, (http://en.wikipedia.org/wiki/Rancho_Caymus; accessed June 12, 2012). Caymus Vineyards' website indicates the Caymus Tasting Room is located at Rutherford (within the historic Rancho Caymus) at 8700 Conn Creek Road, Rutherford, CA 94573). A large stone marker in the small town of Yountville, approximately 6 miles from Caymus Vineyards' tasting room, prominently indicates the site of the original Caymus (Kaymus) village. Exhibit E (photograph downloaded July 13, 2012 from website http://suzlorenz.blogspot.com/2009/07/caymus-indian-tribe-tribute-from-1950.html).
- 46. The recognized geographic and cultural significance of the name "Caymus" is also evidenced, at inter alia, by four listings on the United States Geological Survey's Geographic Names

Information Center, three of which are located about 7 miles of each other within the historic Rancho Caymus land grant in Napa Valley, California. Caymus (ID #233645) is listed as a "civil" feature located in Rutherford, California, and Caymus (ID# 1800354) is listed as a historical "populated place" located in Yountville, California. The third listing is Caymus Vineyards (ID # 1800355), listed as a "locale" situated in Rutherford, CA. Exhibit F; (search query conducted July 13, 2012 for geographical feature CAYMUS using U.S.G.S. Geographical Names Information System at http://geonames.usgs.gov/pls/gnispublic).

- 47. Additionally, a well-known Napa Valley inn named the "Rancho Caymus Inn" has been located at Rutherford, California about 1-2 miles from the Caymus Vineyards "locale" since 1984. The Rancho Caymus Inn website indicates that "[o]ur Napa Valley Inn takes its name from land awarded in 1836 by General Mariano Vallejo to pioneer George C. Yount, Napa's first land grant. A sprawling hacienda named Caymus Rancho was built on the site" Exhibit G; (Rancho Caymus Inn website accessed July 13, 2012 at http://www.ranchocaymus.com/about-us)(emphasis added). Applicant has admitted knowledge of the Rancho Caymus Inn; see Opposer's Motion to Dismiss pursuant to Fed. R. Civ. P. §12(b)(6) filed August 23, 2012 ("Motion"), at page 4.
- 48. The Napa Valley local chapter of the Daughters of the American Revolution (DAR), located about 15 miles from Rutherford in Calistoga, California is called the "Caymus" Chapter of the DAR. See Exhibit H; (website accessed July 13, 2012 at http://www.californiadar.org/chapters2/caymus/).
- 49. A cable television distributor named Charter Cable advertises Charter Cable services for Caymus, California. The Charter Cable company services Caymus, California; including the

towns of Rutherford, CA, Oakville, CA, Yountville, CA and various other nearby towns. Exhibit J (accessed September 11, 2012 at http://www.chartercabletvonline.info/charter-cable-service-caymus-ca.html)

- 50. Comcast Cable company advertises Comcast Cable services for Caymus, California. The Comcast company services Caymus, California; including the towns of Rutherford, CA, Oakville, CA, Yountville, CA and various other nearby towns. Exhibit K (accessed September 11, 2012 at http://www.buycabletvpackages.com/cable-tv-deals-caymus-ca.html)
- 51. The internet website for St. John the Baptist Catholic Church indicates that it is located at 960 Caymus Street, Napa, CA 94559. Exhibit L (accessed September 11, 2012 at http://main.stjohnscatholic.org)
- 52. The internet website for Joseph Kent Winery indicates that it is located at 1052 Caymus Street, Napa, CA 94559. Exhibit M (accessed September 12, 2012 at http://www.josephkentwines.com/home#!__home/email-form)
- 53. By stating that "CAYMUS" has no significance other than trademark significance and/or failing to correct this statement made in the Examiner's Amendment, Opposer knowingly made a false statement to the Examiner. Opposer's tasting room is located on the historic Rancho Caymus in Rutherford, CA and within a mile or two of the Rancho Caymus Inn. The Rancho Caymus Inn, which was built in 1984, was admitted by Opposer to be known to it. Opposer's Motion at page 4. Opposer chose CAYMUS with actual knowledge at the time of registration that the word "Caymus" had primarily geographic significance. Opposer chose to link its wine products

to the Caymus locale at or near which the grapes are grown and/or the wine is produced.

- 54. Although the Examiner indicated that Opposer must indicate whether CAYMUS has any geographical significance, Opposer, with deceptive intent, failed to disclose material information known by it to the Examiner, in order to induce agents of the USPTO to rely on the false statement and they did so rely by issuing, renewing, and maintaining the Registration.
- 55. Although the Examiner indicated that Opposer "must indicate whether CAYMUS has any" geographical significance, Opposer knowingly, and with deceptive intent, failed to disclose to the USPTO that the Examiner's Amendment contained a false statement indicating that the wording CAYMUS has no significance other than as a trademark, in order to induce agents of the USPTO to rely on the false statement and they did so rely by issuing, renewing, and maintaining the Registration.
- 56. Although Opposer has a continuing duty of candor to the USPTO with respect to the Registration, Opposer knowingly, and with deceptive intent, failed to disclose to the USPTO material information indicating that, at the time of the registration and continuously thereafter, the representation in the Examiner's Amendment (Exhibit B) indicating that the wording CAYMUS has no significance other than trademark significance was and is false, in order to induce agents of the USPTO to rely on the false statement and they did so rely by issuing, renewing, and maintaining the Registration.
- 57. Applicant has been and will continue to be damaged by the issuance and existence of the invalid Registration issued to the Opposer. Applicant's 1(b) trademark applications drawn to

CAYMUS MEDICAL and CAYMUS MEDICAL (and design) have been published and Applicant has already invested resources towards commercializing products to be sold under the mark CAYMUS MEDICAL. Furthermore, on information and belief, as a direct result of Opposer's fraud, leading to the issuance of the Registration, Opposer made the invalid Registration the subject of a Section 15 affidavit alleging that the Registration was incontestable on June 11, 2000, thereby damaging Applicant's ability to contest the validity of registration No. 1,883,996. Finally, Applicant is damaged by having to expend legal fees and its time in order to defend its Applications in the present opposition against Opposer's invalid registration. Thus, Opposer's fraudulent procurement of the pleaded 1,883,996 "CAYMUS" registration has proximally caused damage to Applicant resulting from the USPTO's reliance on the intentionally false representations and omissions of Opposer.

GROUND 2

58. Applicant hereby seeks cancellation of Opposer's Registration for the mark "CAYMUS" in International Class 033. Opposer's Registration is not due incontestable status, and an action for cancellation is not time-barred, because the Opposer's representative procured the Registration fraudulently. Applicant repeats and realleges each and every allegation set forth in the preceding paragraphs as if set forth herein. On December 29, 1999 the Opposer filed a combined Section 15 Affidavit of Use Pursuant to 15 U.S.C. §1115(b) (actually a combined Section 8 and 15 Affidavit), alleging five (5) years' consecutive use of the mark in commerce after the date of registration, or in the alternative, the date of publication of the mark under 35 U.S.C. §112(c). The incontestability of a facially incontestable mark can be defended against and the incontestability refuted if "the registration or the incontestable right to use the mark was obtained fraudulently"

15 U.S.C. §1115(b)(1). Because the Registration was obtained fraudulently, as pleaded previously,

the alleged incontestability of the mark is successfully overcome.

- 59. The term "CAYMUS" is primarily geographically descriptive. The wines identified in the Registration as being identified using the "CAYMUS" mark are grown, sold and/or made within the historic and famous Rancho Caymus area of the Napa Valley, and within a region referred to as Caymus, California.
- 60. Alternatively and/or additionally, the term "CAYMUS" has not acquired secondary meaning through substantially exclusive, continuous use, and is therefore not distinctive. Opposer has repeatedly, and for periods of time of well over a decade, failed to prevent the unauthorized use of the mark "CAYMUS" by third parties, including, without limitation, a well-known Napa Valley inn, the Rancho Caymus Inn (located 1-2 miles from the Opposer's listed address in Rutherford, California), and the local "Caymus" chapter of the Daughters of the American Revolution.
- 61. Other third party users of the mark "Caymus", easily found through a basic internet search, include, without limitation: Caymus Equity Partners LLC, a Georgia-based private equity firm; Caymus Corporation, an Arizona general contracting firm; Caymus Capital, an internet-based private equity firm; Caymus Capital Group, LLC, a private investment group located in Los Angeles, California; Caymus Capital Partners, L.P., a financial investment advisory form located in the Woodlands, Texas; Caymus Properties, a property management firm located in Sacramento, California; Caymus Townhomes, a housing development near Seattle, Washington and Caymus Cove, a housing subdivision in Meridian, Idaho.
 - 62. Opposer's alleged CAYMUS trademark is therefore not distinctive and has no

secondary meaning.

- 63. For the foregoing reasons Applicant believes that it will be damaged by the continued registration of the mark shown in Registration No. 1,833,996.
- 64. Applicant has in their first Answer, filed July 18, 2012, paid the statutory fee of \$300 for its counterclaim. For the payment of any additional fee that may be due, please use Deposit Account 135135.

ADDITIONAL DEFENSES AND COUNTERCLAIMS

65. Applicant hereby reserves the right to assert additional defenses and/or counterclaims based upon information learned or obtained during discovery.

WHEREFORE, Applicant prays for judgment as follows:

- (a) this opposition be dismissed with prejudice;
- (b) Opponent's Section 15 affidavit be declared invalid;
- (c) Registration No. 1,833,996 be canceled; and
- (d) Registrations for Applicant's trademark applications Serial Numbers 85/281308 and 85/279926, be issued to the Applicant;

Respectfully Submitted,

/Donald E. Stout/

Donald E. Stout Attorney for Applicant STOUT, UXA, BUYAN & MULLINS LLP

4 Venture, Suite 300 Irvine, CA 92618

Telephone: 949-450-1750

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Answer to be served upon:

Anthony R. Masiello, Esq. Holland & Knight LLP 800 17th Street, N.W. WASHINGTON, D.C. 20006

by placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 18th day of July, 2012.

/Donald E. Stout/

Donald E. Stout Attorney for Applicant STOUT, UXA, BUYAN & MULLINS LLP

4 Venture, Suite 300 Irvine, CA 92618 Telephone: 949-450-1750

Date: July 18, 2012

EXHIBIT A



U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SERIAL NO. 74/386086 CAYMU	APPLICANT S VINEYARDS		PAPER NO. ADDRESS
MARK CAYMUS		- Pa	
ADDRESS Scott W. Peters Hill, Steadman (85th Floor Sears	k Simpson P c	ACTION NO.	If no fees are enclosed, the address should include the words "BOX 5."
Chicago, IL 600	506	MAILING PATE	 Please provide in all correspondence: Filing date, serial number, mark, and applicant's name.
FORM PTO-1525 (5-90)	U.S. DEPT. OF COMM. PAT. & TM OFFICE	REF. NO.	2. Mailing date of this Office action.
		193.0946	3. Your telephone number and ZIP code.
		123.0245	Examining attorney's name and law office number.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the <u>Trademark Law Office No.</u>, <u>Serial No.</u>, and <u>Mark</u> in the upper right corner of your response.

386086

The assigned examining attorney has reviewed the referenced application and determined the following.

The applicant must indicate whether CAYMUS has any significance in the relevant trade, any geographical significance or any meaning in a foreign language. 37 C.F.R. Section 2.61(b).

The applicant must indicate whether the person who signed the application is an officer of the applicant. TMEP section 803.09. If so, the applicant must state the signer's proper title. If not, the applicant should note the following.

If the application was not signed by the applicant or by a person having color of authority to sign, the application is void. 37 C.F.R. Section 2.21(a)(6). To be properly signed, an application must be signed by the applicant, a member of the applicant firm (e.g., a general or active partner of an applicant partnership), or an officer of the applicant corporation or association. Trademark Act Section 1, 15 U.S.C Section 1051.

386086

If the application was not signed by the appropriate person as described above, but the applicant asserts that the person who signed had color of authority to do so, the applicant must submit evidence that the person who signed:

- (1) had firsthand knowledge of the truth of the statements in the verification or declaration, and
- (2) had actual or implied authority to act on behalf of the applicant.

If the examining attorney determines that the person who signed the application had color of authority, the application will not be deemed void as filed. However, a substitute verification or declaration under 37 C.F.R. Section 2.20, signed by the proper person, must be submitted. 37 C.F.R. Section 2.71(c).

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

LB:ics

Linda E. Blohm Trademark Attorney

Law Office 12

(703) 308-9112 ext. 224

NOTE: The Trademark Office is committed to improving the quality of our service. The Assistant Commissioner for Trademarks would like to have your comments and suggestions on ways we can improve the quality of the examination process. In the event there are any areas causing you recurrent problems, please let us know of them.

COMMENTS SHOULD NOT BE INCLUDED WITH THE RESPONSE TO AN OFFICE ACTION, BUT SHOULD BE SENT IN A SEPARATE COMMUNICATION TO THE FOLLOWING ADDRESS:

Office of Trademark Quality Review c/o Commissioner of Patents and Trademarks Washington, DC 20231.

EXHIBIT B



U. S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SERIAL NO. 4/386086 CAYMUS	APPLICANT VINEYARDS	1	ADDRESS:
MARK Caymus	en e		Commissioner of Patents and Trademarks Washington, D.C. 20231
ADDRESS Scott W. Peterser		ACTION NO.	If no fees are enclosed, the address should include the words "BOX 5."
Hill, Steadman & B5th Floor Sears Chicago, IL 6060	Towar	MAILING DATE 12/02/93	Please provide in all correspondence: 1. Filing date, serial number, mark, and
		REF. NO.	applicant's name. 2. Mailing date of this Office action.
FORM PTO-1525 (5-90)	U.S. DEPT. OF COMM. PAT. & TM OFFICE	193.0946	3. Your telephone number and ZIP code.
		•	 Examining attorney's name and law office number.

12.01.93/smt/386086

EXAMINER'S AMENDMENT

In accordance with the telephone conversation of November 1, 1993, with Scott W. Petersen this Office has entered the amendments noted below in the referenced application. The applicant need not file a response in this case unless the applicant objects to the noted amendment.

The signatory of the declaration. Charles F. Wagner, is President of applicant corporation.

The wording "CAYMUS" has no meaning other than trademark significance.

This application will subsequently be approved for publication.

LEB:smt

Linda E. Blohm
Trademark Attorney
Law Office 12

(703) 308-9112 ext. 224

EXHIBIT C



University of California

The ethno-geography of the Pomo and neighboring Indians

Old Village Sites.

ka'imūs, on the site of the present town of Yountville. The people of this village are the ones referred to by MenefeeMenefee, in speaking of the Indians of Napa valley, says, upon the authority of Mr. George C. Yount who was the first American settler in Napa valley: "At the time of Mr. Yount's arrival in the valley, in 1831, there were six tribes of Indians in it, speaking different, though cognate dialects, and almost constantly at war with each other. The Mayacomas tribe dwelt near the hot springs (Aguas Calientes) now Calistoga, at the upper end of this valley, and the Callajomanas, on the lands now known as the Bale Rancho, near St. Helena. The Caymus tribe dwelt upon the Yount grant, to which they gave their name. The Napa Indians occupied the Mexican grant of Entre Napa, that is, the land between Napa River and Napa Creek, to which they also gave their tribe name. The Ulucas dwelt on the east side of Napa river, near Napa City, and one of their words survives in Tulocay Ranch and Cemetery. The Susol tribe occupied the Susol Grant, . . . "In speaking of the population he says: "In 1843 there were from fifty to one hundred on the Bale Rancho, four hundred upon the Caymus Rancho, six hundred upon the Salvador Rancho, a large number on the Juarez and the Higuera Ranchos, and a still larger number at Susol. A few remain upon some of the ranchos named, but there are not one hundred all told in the entire county." This last statement probably refers to the date of publication of the "Sketch Book." C. A. Menefee, Historical and Descriptive Sketch Book of Napa, Sonoma, Lake and Mendocino, Napa City, 1873; pp. 18, 19. as

— 269 —

the Caymus. This is a Spanish orthography of the Indian kai'mūs and has been quite universally used. Engelhardt, op. cit., p. 451; Bancroft, Native Races, I, 363, 452; and various other writers. The name is preserved in Caymus rancho, The Caymus rancho was granted to Mr. Yount, above mentioned, and consisted of two square leagues of land about the present town of Yountville—Slocum, Bowen and Company, op. cit., Napa county, p. 49; also King and Morgan's Map of the Central Portion of Napa Valley and the Town of St. Helena, 1881. but is not now otherwise in use.

annakō'tanōma, The ending nō'ma which occurs so frequently on Wappo village names is evidently from the same root as -nom which occurs frequently in the Yuki proper and Huchnom dialects with the significance of people of. bull-snake village, on the town site of St. Helena in Napa valley. The Callajolmanas spoken of by MenefeeSee note 308. as living on the Bale ranch near St. Helena may be the same as the people of annakō'tanōma. BancroftNative Races, I, 452. also mentions them upon the authority of Hittell.

tse'manōma, from tse'ma, ear, and nō'ma, village, in the foothills on the eastern side of Napa valley at a point probably about two miles northeast of the town of St. Helena.

wī'līkōs (Southern Moquelumnan dialect name), at the head of Sonoma creek. TaylorCalifornia Farmer, March 30, 1860. mentions the "Guillicas" and states that they lived "northwest of Sonoma on the old Wilson ranch of 1846," as does also BancroftNative Races, I, 363, 450. upon his authority. The reference is undoubtedly to the people of wī'līkōs. The village of "Huiluc" mentioned by EngelhardtOp. cit., p. 451. may, however, refer to this village or to wī'lōk a short distance northwest. The Guilicos ranchoThe Guilicos rancho is an old Mexican grant embracing 18,833 acres of land, lying along the headwaters of Sonoma creek to the southeast of Santa Rosa.—Bowers, Map of Sonoma, 1882. includes the site of the old Indian village of that name. The name is also found as that of a school district in this vicinityThompson, Sonoma County, p. 5; and Central Sonoma, p. 4. and is applied to the upper part of the valley along Sonoma creek.

maiya'kma,One of the villages near the town of Calistoga was called by the people of the Southeastern Pomo

dialect xō'mūi, the people of this part of the valley being called ma'imfo. at a point about a mile south of the town of

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Calistoga near the head of Napa valley. According to one informant this village was also called nī'Lektsōnōma. MenefeeSee note 308. mentions the "Mayacomas" as living near Calistoga, as does BancroftNative Races, I, 452. upon the authority of Hittell, and as do Slocum, Bowen and CompanyOp. cit., Napa county, p. 44. upon the authority of both Menefee and Bancroft. BancroftNative Races, I, 451. also mentions, quoting from Taylor, the "Mayacmas" as inhabiting "the vicinity of Clear lake and the mountains of Napa and Mendocino counties." It seems certain, however, that these people are identical with the Mayacomas of his list as above mentioned. The "Mayacma" mentioned by EngelhardtOp. cit., p. 451. as a "tribe" that furnished converts at the Sonoma mission undoubtedly refers to the people of this village, and it is not unlikely that by the "Tlayacma" mentioned farther on the same people are meant. The name is now used as that of a range of mountains which, according to Menefee,Op. cit., p. 33. is divided into two branches, one on the west and one on the east of Napa valley. The name is also applied to the mountains extending northwestward from Mt. St. Helena,Bowers, Map of Sonoma County, 1882. and to a school district lying to the east of Healdsburg. This is also evidently the origin of the name "Mallacomes" which is one of the names given to the old Mexican land grantSee mū'tistūl. in Knight's valley.

 $n\bar{r}$ Lekts \bar{o} n \bar{o} ma, See note 319. from $n\bar{\imath}$ Lek, a species of hawk, ts \bar{o} , ground, and $n\bar{o}$ ma, village, just northeast of the town of Calistoga near the head of Napa valley. One informant says that this is simply another name for the village of maiya'kma.

tse'Imēnan,See note 319. from tsel, charcoal, me, water, and nan, a well or other deep hole containing water, near the foot-hills at a point about a mile north of the town of Calistoga.

 $m\bar{u}'tist\bar{u}l$, from m $\bar{u}'ti$, north, and $t\bar{u}l$, large valley, in Knight's valley, in the mountains separating the drainage of Russian river

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from that of Napa river, and at a point about four and one-half miles west of the town of Calistoga. GibbsSchoolcraft, III, 110. mentions the "Mutistul" as living "between the heads of Napa and Putos creeks," as does also BancroftNative Races, I, 452. upon Gibbs' authority. This name may also be the source of "Multiculmo" given by EngelhardtOp. cit., p. 451. as one of the "tribes" with converts at Sonoma mission. The old Berryessa rancho "Mallacomes or Muristul y Plan de Agua Caliente"According to Slocum, Bowen and Company, op. cit., Napa Co., p. 50, this rancho, consisting of 17,742 acres, was located "near the head of Napa valley, embracing the site of Calistoga and the country adjacent thereto," while Bowers on his "Map of Sonoma County" locates it in Knight's valley and gives it as comprising only 12,540 acres. undoubtedly derived its name from this village.

kō'tīcōmōta, from ko'tic, black oak, and mō'ta, hill, or tcelhe'lle (Southern Pomo dialect name), from tcel, white oak (?), and he'lle, flat, at a point about half a mile northeast of the eastern end of the Alexander valley bridge across Russian river, and about five and a half miles northeast of the town of Healdsburg. According to the story of the Pomo-Wappo warSee note 307. this village with others in Alexander valley was formerly occupied by the Southern Pomo, who at that time owned the valley and surrounding country. After the occupation of this valley by the Wappo this site was inhabited by them, its name changing to the one here given.

cī' 'mēla, from cī', clover, and mē'la, place (?), or ōssōkō'wi, (Southern Pomo dialect name), from ō'ssō, clover, and kō'wī, valley, on the northeast bank of Russian river at a point about a mile north of the present Alexander valley village and about five miles northeast of the town of Healdsburg. According to the story told concerning the Pomo-Wappo warSee note 307. this village was the scene of the fighting. The Pomo formerly occupied this site, and later upon the Wappo taking possession of that section they also occupied it, changing its name to that above given.

 $p\bar{\imath}p\bar{o}h\bar{o}'lma$, from $p\bar{\imath}'p\bar{o}$, white oak, hol, tree, and ma, grove, or $djelheldj\bar{\imath}seka'n\bar{\imath}$ (Southern Pomo dialect name), from dje'lhe, white oak (?), and dj $\bar{\imath}seka'n\bar{\imath}$, ?, on the east bank of Russian

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river due east of the town of Geyserville. This site is located at a point about a quarter of a mile up stream from the Geyserville bridge. The people of this village, who called themselves mī'cēwal, and who were called by the Southern Pomo a'cōtca'mai or a'cōtentca'wī, formerly owned only the portion of Russian river valley extending from a point about three miles up stream from Geyserville southward to the small stream, called by them pō'pōetc, about four miles down stream. After the Pomo-Wappo war, in which it appears only the people of pīpōhō'lma and those of cī' 'mēla engaged, the territory of the Wappo was extended southward to the limits shown on the accompanying maps. The captain of pīpōhō'lma at the time of this war was mītcē-he'l, turtle anus, and he it was who led the Wappo against the Pomo and later arranged a settlement of the feud with them.

In addition to these villages along Russian river which were occupied by the Wappo, names of four other sites were obtained which, so far as can be learned, were not occupied by the Wappo but were occupied by the Southern Pomo before the Wappo took possession of this section, and for which only Pomo names could be obtained. These sites are all located in what is known as Alexander valley.

malalatca'Lī, from mala'la, mosquito, and tca'Lī, village, about half a mile north of Lyttons station.

aca'ben, from a'ca, fish, and ben, probably a curved pond, at a point about a mile northeast of Lyttons station.

gaiye'tcin, from ga'iye or ka'iye, manzanita, and tcin, to hang down, at a point about a mile north of Lyttons station.

 $kolo'k\bar{o}$, from ko'lo, mortar basket, and $k\bar{o}$, long, indefinitely located but probably on the northeast bank of Russian river at a point about three and one-half miles northeast of Lyttons station.

The following villages are located in other parts of the Wappo territory and had no connection with any other people than the Wappo.

tekena'ntsōnōma, from teke, the mineral left as a deposit after the evaporation of the water from the springs at the Geysers in Sonoma county, nan, well or other deep hole containing water, tsō, ground, and nō'ma, village, just north of the Geysers near the head of the main branch of Sulphur creek and at a point about twelve miles a little south of east of Cloverdale.

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pe'tīnōma, west of Putah creek at a point about a mile north-northwest of Middletown. This site is but a short distance north of the cemetery at Middletown.

lō'knōma, from lok, goose, and nōma, village, or laka'hyōme (Northern Moquelumnan dialect name), at a point about three-quarters of a mile northeast of Middletown and at present on the opposite side of Putah creek from that place. The creek formerly ran to the northeast of this site but since the coming of white settlers has been diverted so that it now flows to the southwest of it. The valley about Middletown, probably taking its name from this village, was early known as Loconoma valley, Slocum, Bowen and Company, op. cit., Lake county, pp. 4, 45. and the name "Lal-nap-o-een" The Lal-nap-o-een tribe had their habitat on the St. Helena creek, just west of the present site of Middletown, in Loconoma valley. They numbered ninety but have dwindled down to ten. Chu-puh was their chief; —Ibid, p. 36.—In the Eastern Pomo district Lal signifies goose, and napō' signifies village; thus giving the same signification as the Wappo name lo'knoma. given by Slocum, Bowen and Company to a village in this valley probably refers to lokno'ma. Their information concerning this village was obtained from Augustine, a former captain of the kūLa'napō, one of the divisions of the Eastern Pomo in Big valley. Continuing, they say, "These are the Locollomillos of Bancroft's list." The statement made by BancroftNative Races, 1, 451. is, "The Guenocks and Locollomillos lived between Clear Lake and Napa," and is made upon the authority of Taylor, who says, California Farmer, March 30, 1860. "Before reaching Clear Lake from Napa there was a rancheria called Guenocks, and in their neighborhood were the Locollomillos." However, in view of the indefiniteness of these statements, particularly the original one (Taylor's), and the fact that the old Mexican grantThe Locallomi rancho

was granted to Julien Pope in 1841 and comprised two square leagues of land in and about Pope valley.—Slocum, Bowen and Company, op. cit., Lake county, p. 50. in Pope valley bears the name Locallomi rancho, it is possible that the people referred to as Locallomillos lived in or about Pope valley, though it seems more probable that they lived in the vicinity of Middletown.

 $\bar{u}y\bar{u}'han\bar{o}ma$, on the east bank of Putah creek at a point about a mile and a half nearly due east of Middletown.

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By: Barrett, S. A. (Samuel Alfred), 1879-1965, Author

Date: 1908

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Coordinates: 38.420°N 122.370°W

Rancho Caymus

From Wikipedia, the free encyclopedia

Rancho Caymus was a 11,887-acre (48.10 km²) Mexican land grant in present day Napa County, California given in 1836 by acting Governor Nicolás Gutiérrez to George C. Yount.^[1] Caymus was the name of a subgroup of Mishewal-Wappo Indians. The rancho included present day Yountville, Oakville and Rutherford all within the Napa Valley AVA.^[2]

Contents

- 1 History
- 2 Historic sites of the Rancho
- 3 See also
- 4 References

History

Through the influence of Mariano Guadalupe Vallejo, George C. Yount received the two league Rancho Caymus in 1836, and became the first permanent Euro-American settler in the Napa Valley. In 1843 he received the one league Rancho La Jota on Howell Mountain to the north of Rancho Caymus. [3][4]

With the cession of California to the United States following the Mexican-American War, the 1848 Treaty of Guadalupe Hidalgo provided that the land grants would be honored. As required by the Land Act of 1851, a claim for Rancho Caymus was filed with the Public Land Commission in 1852, [5] and the Rancho Caymus grant was patented to George C. Yount in 1863. [6]

A town known as Sebastopol was laid out on the property in 1855. However, a town in nearby Sonoma County had already laid claim to this name, and the town was renamed Yountville in 1867 after George Yount's death.

After George Yount's death in 1865, the courts stepped in to sell the remaining portions of his property. Judge Serranus Hastings bought a large portion of the original Rancho Caymus. He later sold part of his property to Captain Gustave Niebaum and California State Senator Seneca Ewer.

Historic sites of the Rancho

- George Yount Blockhouse. In 1836 George C.Yount built a blockhouse and in 1837 erected an adobe home. [7][8]
- Grave of George C. Yount. Skilled hunter, frontiersman, craftsman, and farmer, George Calvert Yount (1794–1865) received the first Mexican land grant in Napa Valley. [9][10]

See also

- Ranchos of California
- List of Ranchos of California

References

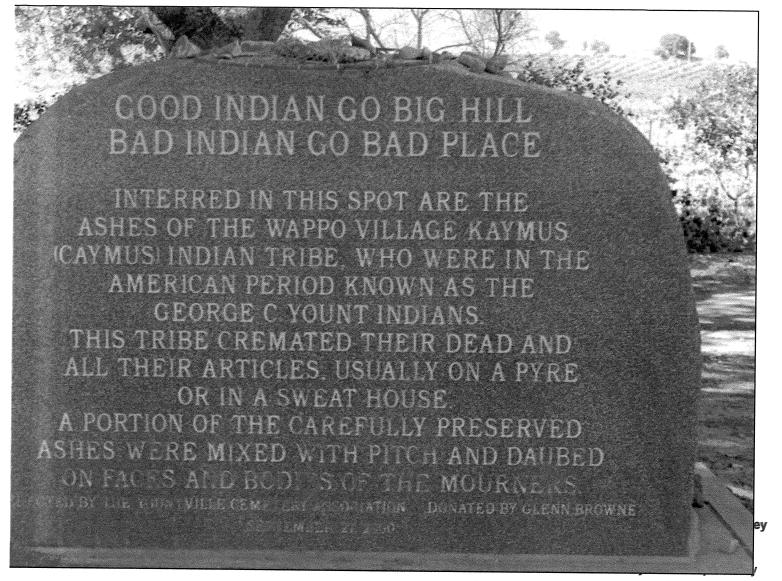
- 1. ^ Ogden Hoffman, 1862, Reports of Land Cases Determined in the United States District Court for the Northern District of California, Numa Hubert, San Francisco
- 2. ^ Diseño del Rancho Caymus (http://content.cdlib.org/ark:/13030/hb4h4nb21s/)
- 3. ^ Hoover, Mildred B.; Hero & Ethel Rensch, and William N. Abeloe (1966). *Historic Spots in California*. Stanford University Press. ISBN 978-0-8047-4482-9.
- 4. ^ Slocum, Bowen & Co, Lyman L. Palmer, 1881, History of Napa and Lake Counties, California
- 5. ^ United States. District Court (California: Northern District) Land Case 32 ND (http://content.cdlib.org/view?docId=hb109nb422&chunk.id=dsc-1.3.6&brand=oac)
- 6. ^ Report of the Surveyor General 1844 1886 (http://www.slc.ca.gov/Misc_Pages/Historical/Surveyors_General/reports/Willey_1884_1886.pdf)
- 7. ^ George Yount Blockhouse (http://www.parks.ca.gov/listed_resources/default.asp?num=564)
- 8. ^ George Yount Blockhouse (California State Historical Landmark No. 564) (http://ceres.ca.gov/geo_area/counties/Napa/landmarks.html)
- 9. ^ Grave of George C. Yount (http://www.parks.ca.gov/listed_resources/default.asp?num=693)
- 10. ^ Grave of George C. Yount (California State Historical Landmark No. 693) (http://ceres.ca.gov/geo_area/counties/Napa/landmarks.html)

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Feature Name	ID	Class	County	State	Latitude	I	1	T	7	
Cavmus Park	1827171	Park				Longitude	Ele(ft)*	Map" 🛦	BGN Date	Entry Date
			Sacramento	CA	382745N	1212159W	46	Elk Grove	_	01-APR-1999
<u>Caymus</u>	233645	Civil	Napa	CA	382716N	1222403W	141	Rutherford		
Caymus Vineyards	1800355	Locale	Napa	CA	382758N				-	19-JAN-1981
Caymus		Populated	- tapa	UA	30273014	1222336W	148	Rutherford	-	20-JUL-1998
(historical)	1800354	Populated Place	Napa	CA	382420N	1222149W	102	Yountville	-	20-JUL-1998

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Feature Detail Report for: Caymus

ID: 233645

Name: Caymus

Class: Civil (Definitions)

U.S. Geological Survey. Geographic Names Phase I data compilation (1976-

1981). 31-Dec-1981. Primarily from U.S. Geological Survey 1:24,000-scale

Citation: topographic maps (or 1:25K, Puerto Rico 1:20K) and from U.S. Board on Geographic Names files. In some instances, from 1:62,500 scale or

1:250,000 scale maps.

19-Jan-1981

Date:

*Elevation: 141/43

*Elevations in feet/meters from the National Elevation Dataset

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Variant Name

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Counties

Sequence County Code State

Code Country

1 Napa

055 California

06

US

Coordinates (One point per USGS topographic map containing the feature, NAD83)

Sequence Latitude(DEC) Longitude(DEC) Latitude(DMS) Longitude(DMS) Map Name 1 38.4543544 -122.4008118 382716N

2 38.4465768 -122.3696999

1222403W

Rutherford

382648N

1222211W

Yountville

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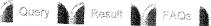


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Feature Detail Report for: Caymus Park

ID: 1827171

Name: Caymus Park

Class: Park (Definitions)

Sacramento/Solano Counties Street Guide and Directory. Updated Edition. Citation:

Irvine, California: Thomas Brothers Maps, 1994.

Entry

01-Apr-1999 Date:

*Elevation: 46/14

*Elevations in feet/meters from the National Elevation Dataset

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Sequence County Code State **Code Country** 1 Sacramento 067 California 06 US

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Sequence Latitude(DEC) Longitude(DEC) Latitude(DMS) Longitude(DMS) Map Name 1 38.4624088 -121.3663403 382745N 1212159W Elk Grove

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Feature Detail Report for: Caymus (historical)

ID: 1800354

Name: Caymus (historical)

Class: Populated Place (Definitions) History: Yukian Wappo settlement

Description: Was located at Yountville

Smithsonian Institution, Bureau of American Ethnology. Washington, DC:

Government Printing Office. Bulletin 30 - Handbook of American Indians

Citation: North of Mexico, Edited by Frederick Webb Hodge, part 1 published in

1907, part 2 published in 1910. Use either code US-T142/B30/PT1/1907/p#

or US-T142/B30/PT2/1910/p#. B30/pt1/1907/p222

Entry Date: 20-Jul-1998

*Elevation: 102/31

*Elevations in feet/meters from the National Elevation Dataset

Variant Names

Variant Name

Caymas

Citation

Counties

Sequence County Code State **Code Country**

1 Napa 055 California

US

Coordinates (One point per USGS topographic map containing the feature, NAD83)

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38.4054669

-122.3635884

382420N

1222149W

Yountville

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Designation

Historical

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Feature Detail Report for: Caymus Vineyards

ID: 1800355

Name: Caymus Vineyards Class: Locale (Definitions)

Citation: Napa & Lake Counties. Modesto, California: Compass Maps, 1989.

Entry Date: 20-Jul-1998

*Elevation: 148/45

*Elevations in feet/meters from the National Elevation Dataset

Counties

Sequence County Code State **Code Country**

1 Napa

055 California

06 US

Coordinates (One point per USGS topographic map containing the feature, NAD83)

Sequence Latitude(DEC) Longitude(DEC) Latitude(DMS) Longitude(DMS) Map Name 1 38.4660207 -122.3933117

382758N

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The current **Rancho Caymus** was built in 1984 by local artist and entrepreneur Mary Lee Tildon. Her design sought to recapture the spirit of the original hacienda. In 1991, the inn was purchased by the winemaking Komes family. The family has successfully enhanced the rustic elegance of the property, while keeping its history at the forefront of the design. Each room at our **Napa Valley Inn** is named for an early Napa Valley adventurer, and you'll find their stories, that go back to the early 1800's, in every room. Names such as Black Bart, Lillie Hitchcock Coit, and Robert Lewis Stevenson, as well as members of Russian nobility, saloon keepers, stagecoach drivers and even a famous San Francisco courtesan intertwine with the warm, homelike surroundings of the inn's décor.

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Phone Number and Email Address:

Reservations: 800-845-1777

info@ranchocaymus.com

Full Name	
Phone Number	

Email Address



Or for Reservations Call 1-800-845-1777



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Hotel in Napa Valley

At Rancho Caymus, a Napa Valley inn, you'll experience the wonders of Napa Valley with all of your senses. This hotel in Napa Valley, CA is nestled among the wineries of the world-famous Rutherford Bench Wine Region, Rancho Caymus is a quaint, all-suites Napa Valley inn which offers a unique sense of rustic elegance conveniently located in the heart of the Napa Valley.

Smell the fragrances of this world famous wine growing region. Located in the very center of the Napa Valley, Rancho Caymus Inn is surrounded by the agricultural wonder of world famous vineyards and wineries. Guests of Rancho Caymus are within a five minute drive of dozens of award

Hear the tranquility of lodging in a petite, 26-room Napa Valley inn. Each of these suites is distinctively designed and decorated to recapture the simpler times of early California. The two story hacienda style inn surrounds an award-winning garden courtyard. These elements give Rancho Caymus, more of the feeling of an "escape" than just a hotel in Napa Valley, CA.

Feel the warmth of staying in a family owned and operated Inn. Over the course of nearly 20 years, four generations of the Komes family have worked and overseen hospitality at Rancho Caymus in the same way they have crafted award winning wines at their winery, Flora Springs.

See the dedication to details. Built and maintained to honor the history of the Napa Valley; Rancho Caymus was created to be a Spanish Hacienda style Inn. The materials, architectural design, and furnishings are all part of that effort to recapture the spirit of Napa Valley's past.

Taste the bounty of the wine country. The Napa Valley is recognized as one of the world's foremost wine growing regions. More than great wines are produced here. The surrounding small towns of St. Helena and Yountville feature acclaimed restaurants, culinary schools, seasonal farmers markets, and gourmet shopping. Rancho Caymus Inn lies between these two culinary centers, no more than six miles away from either.

EXHIBIT H



Caymus Chapter Calistoga, California



Joining DAR

National Society

California Society

Contact Us

Chapter Officers

Regent:

Louise Morrison

1st Vice Regent: Susan Silfvast

Recording Secretary: Marjorie Preston

Corresponding Secretary: Elizabeth Couse

Treasurer:
Mildred "Lucille" Allen

Registrar:
Marjorie McNay

Chaplain: Frances Tagliaferri

Historian: Marilyn Kramer

Welcome!

The Caymus Chapter was organized on April 15, 1972. Mrs.Earl Enholm was the chapter's first regent. The chapter's name was chosen for the Caymus Indians, a small tribe of the Mishewal Wappo, who lived in the Napa Valley. George Yount was the first white settler to receive a land grant in Napa Valley and Rancho Caymus was born. Most chapter members are from the Napa Valley area; however, some members are from other areas, as well. Local residency is not a requirement for membership in any chapter.

The Caymus Chapter meetings alternate between the last Wednesday and last Saturday of each month September through May, but not in December. If you would like to attend one of our meetings, please contact us.

We welcome any woman for membership who is over 18 years of age and who is descended from a man or woman who aided in achieving American Independence during the period between April 19, 1775, and November 26, 1783. Information on membership in the DAR can be found here.



Napa Valley





Librarian:

Web hyperlinks to non-DAR sites are not the responsibility of the NSDAR,

Ann Cox

the state organizations, or individual DAR chapters.

This site maintained by webmaster. Site last updated 28 September 2008.

Advisor:

Ann Wolf

EXHIBIT I

Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov

ESTTA Tracking number:

ESTTA408777

Filing date:

05/12/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199267
Party	Defendant Caymus Real Estate, LLC
Correspondence Address	BRIAN R. MCGINLEY SNR DENTON US LLP 233 S WACKER DR STE 7800 CHICAGO, IL 60606-6036 trademarks@sonnenschein.com
Submission	Answer
Filer's Name	Brian R. McGinley
Filer's e-mail	brian.mcginley@snrdenton.com,ttab@snrdenton.com,anita.hansen@snrdenton.com
Signature	/brian r mcginley/
Date	05/12/2011
Attachments	Answer to Notice of Opposition 91199267.pdf (4 pages)(13674 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Serial No. 8: Filed: May 27, 2010)		
Mark: CAYMUS REAL F	STATE LLC	į	
Caymus Vineyards	•)	
	Opposer,)	Opposition No. 91199267
V.)	
Caymus Real Estate, LLC)	
	Applicant.)	-

ANSWER

Applicant Caymus Real Estate, LLC ("Caymus Real Estate" or "Applicant") through its undersigned counsel, hereby answers the Notice of Opposition filed by Caymus Vineyards ("Opposer") as follows.

Applicant denies each and every allegation of the Notice of Opposition ("Notice") unless otherwise admitted or responded to as follows.

In response to the allegations related to Applicant's trademark application Serial Number 85/049,595 (the "Application"), Applicant states that the details regarding the Application are a matter of public record and speak for themselves. Applicant denies the remaining allegations set forth in Opposer's introductory paragraph and specifically denies that Opposer has been or will be damaged by registration or the Application and that Opposer is entitled to any relied.

1. Answering paragraph 1 of the Notice, Applicant lacks sufficient information to admit the truth of the allegations contained in paragraph 1 of the Notice of Opposition, and accordingly denies same.

- 2. Answering paragraph 2 of the Notice, in response to the allegations related to Opposer's United States Trademark registration number 1,883,996, the details of the registration are matters of public record and speak for themselves. Applicant lacks sufficient information to admit the truth of the remaining allegations in paragraph 2 of the Notice, and accordingly denies same.
- 3. Answering paragraph 3 of the Notice, Applicant lacks sufficient information to admit the truth of the allegations in paragraph 3 of the Notice, and accordingly denies same.
- 4. Answering paragraph 4 of the Notice, Applicant lacks sufficient information to admit the truth of the allegations in paragraph 4 of the Notice, and accordingly denies same.
- 5. Answering paragraph 5 of the Notice, Applicant states that the allegations relating to the Application are a matter of public record and speak for themselves. Applicant denies the remaining allegations of paragraph 5 of the Notice.
- 6. Answering paragraph 6 of the Notice, Applicant lacks sufficient information to admit the truth of the allegations in paragraph 6 of the Notice, and accordingly denies same.
- 7. Answering paragraph 7 of the Notice, Applicant denies the allegations of paragraph 7 of the Notice.
- 8. Answering paragraph 8 of the Notice, Applicant denies the allegations of paragraph 8 of the Notice.
- 9. Answering paragraph 9 of the Notice, Applicant denies the allegations of paragraph 9 of the Notice.

10. Answering paragraph 10 of the Notice, Applicant denies the allegations set forth

in paragraph 10 of the Notice of Opposition.

11. Answering paragraph 11 of the Notice, Applicant denies the allegations set forth

in paragraph 11 of the Notice of Opposition.

Applicant denies the allegations set forth in the Opposer's prayer for relief.

Affirmative Defenses

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be

granted.

2. Opposer's Caymus mark is not famous within the meaning of US Trademark

laws.

3. The term "Caymus" refers to a geographical region and/or an Indian tribe.

4. Applicant's registration and use of CAYMUS REAL ESTATE it not likely to

cause confusion with and is not likely to dilute the alleged trademark rights of Opposer.

For the foregoing reasons, Applicant respectfully prays that the Opposer's Notice of

Opposition be denied, and the Application be approved for registration.

Respectfully Submitted,

SNR DENTON US LLP

/s/ Brian McGinley

Brian McGinley P.O. Box #061080

Chicago, Illinois 60606-1080

Telephone: 816-460-2400

Facsimile: 816-531-7545

email: brian.mcginley@snrdenton.com

Attorneys for Applicant

Date: May 12, 2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Answer to be served upon:

Scott W. Petersen, Esq. Holland & Knight LLP 131 S. Dearborn St., 30th Floor Chicago, IL 60603

by placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 12th day of May, 2011.

/s/ Brian McGinley
Brian McGinley, Attorney for Applicant

Filed with the TTAB via ESSTA on May 12, 2011

EXHIBIT J

Get Great Deals on Caymus California **Charter Bundle** Services

Charter T

- · Access over 8,000 movies and shows On Demand
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Get Caymus California Charter Cable Services!

CALL 1-877-731-2348

Mention Code 5006082

Order Charter Cable Caymus California Services!

Getting a great deal on all the communications and entertainment services your family needs is easy with Caymus California Charter Communications! They have great packages with affordable prices on Charter Television, Charter Internet and Charter Phone! Everything you want from a single provider! Don't put up with the hassle and expense dealing with multiple companies for your services, get them all in one place, with great quality and prices, with Charter Caymus California Cable Services!

Decide if Charter Cable TV Bundled Package Deals in Caymus are what you want.

Charter Television in Digital has loads of top quality entertainment that your entire family will enjoy watching! Local channels. national networks and cable favorites are included with every package! All of these channels come through in amazing quality thanks to Charter Television's Advanced Fiber-optic Network! No more fuzzy channels or weak audio—everything will come through in 100% digital quality with great enhanced sound!

The On Demand service from Caymus California Charter TV gives you access to a digital library featuring thousands of titles you can watch whenever you want! On Demand has movies, TV shows, movie trailers, foreign language films—even more than 45 digital music channels you can listen to! On Demand also has over a thousand free titles to choose from every single month! If you have a premium movie package from Charter Television, you can even access content from the movie channels through On Demand! Watch your favorite movies and original programs when you want to!

The most exciting viewing format in home television is High Definition! HD uses theatrical aspect ratios and enhanced audio to create a theater quality viewing experience in your living room! Your pictures will be up to 6 times sharper than standard definition and the audio is rich and vibrant! Caymus California Charter TV Offers a ton of HD programming that you and your

family will love! Local HD channels, movie and sports channels, and thousands of High Definition On Demand titles! Your entire family will love watching television in this exciting, immersive format!

With premium packages from Charter Television, you can add more of the specific types of programming you're interested in! Add a sports package to get in depth coverage from MLB Extra Innings, ESPN Full Court and more! Or, get a premium movie package and enjoy watching your favorite old movies, new releases and original programs! Charter TV even offers a full package of Spanish Language programming featuring content from Discovery, MTV, and more! These premium packages are inexpensive, loaded with content and will give your family loads of entertainment options!

With a Digital Video Recorder from Charter TV Caymus CA, you get a state of the art recorder that is easy to use and has enough storage to hold tons of your favorite shows! The DVR is easy to use and lets you watch TV on your own schedule! You can record a single episode of your favorite show or an entire season with just a few button presses on your remote control! The DVR also lets you pause live television so you never have to miss a minute of the action! The controls for the Digital Video Recorder are easy to use and fully integrated with the Onscreen Guide!

The **Onscreen Guide** is your guide to all of the programming available through Charter Television! You can view descriptions of shows and movies, browse scheduled programming, choose On Demand titles to watch, program the DVR and set the parental controls! To set the **Digital Video Recorder**, you just need to select the show you want to save and press record—the DVR does the rest! And the easy to use parental controls let you set limits on your children's television viewing! You'll have the peace of mind of knowing they aren't being exposed to inappropriate content while watching TV!

See which Charter Cable Internet Plans you want in Caymus California.

High-Speed Internet is becoming a must-have item for many households! With Caymus California Charter Internet, you'll get access to one of the fastest, most reliable internet connections available! With blazing speeds, Charter Internet makes surfing the net and using online applications a breeze! No more slow downloads or laggy connections; Charter Internet has enough speed for even the most demanding online activities!

On those occasions when you need even more speed, Charter Internet offers PowerBoost! PowerBoost gives your connection an extra burst of speed to help finish off those large downloads like movies and applications! PowerBoost means less time waiting for downloads and more time enjoying them!

You can add tons of extra features to your **Caymus California Charter Internet Service** to get even more out of your time online! Sports packages like ESPN3.com and Sports View Plus give you tons of 'round the clock coverage of everything going on in the sporting world! You get great premium content from renowned websites like MLB.com, NASCAR.com and many others! There's enough sports coverage to satisfy even the most enthusiastic sports fan!

Learning Pack Online is a way to add great educational content for your school-age children! With learning modules, homework help and practice tests, Learning Pack Online has everything your kids need to get a jump start on their education! Learning pack online features quality content from educational providers like Boston Test Prep and Encyclopedia Britannica! From preschool to the SATs, your kids will find helpful content no matter what grade they're in!

Charter Internet Caymus California also offers maintenance and utility features like Cloud Drive and a full suite of security software! Cloud Drive can automatically save your important files to an online server, protecting your data in case of a hardware failure! The security software protects your computer from viruses and hackers while also giving you great parental controls to help monitor your kid's online activities!

View all the Best Charter Cable Digital Telephone Packages in Caymus right here!

For the best quality and best price on home telephone service, get **Charter Phone Caymus California**! Charter Phone gives you incredibly clear phone calls and a host of included features! Unlimited local and long distance calling are included along with calling features like caller ID and call waiting! Caymus California Charter Phone helps you save even more money by using your existing equipment! You can even use your old phone number! And, for those with loved ones overseas, they even offer great international calling packages! **Charter Bundles Caymus California** Offer TV, Internet, & Phone Services!

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EXHIBIT K

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- · Enjoy 12 popular calling features

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Caymus California Comcast Bundle Services!

. The History of Nerds on TV · Reality TV Shows Timeline

· TV Gameshow Trivia

- MAD MEN
- US Television Content Rating System
- · Examining the Gender Role in · How a Modern Works to Provide
- the Internet
- · Innovation Timeline: The Phone · Radio and TV Broadcasting
- Resources · PC Safety
- Safe Internet Information Résources

With one of the most impressive varieties of services available on the market, Comcast Cable Deals for Caymus California

is the best choice for your affordable television, internet, or digital phone service accomodations. The array of possibilities withing these services makes Comcast one of the most personal companies, perfect for adjusting to your needs.

You will smile when you see the Comcast Caymus CA Bundle Packages!

Sick of the same old shows? Why not upgrade to an assortment of channels with Comcast TV. With a massive variety, Caymus California Comcast TV utilizes digital, High Definition, and 3D television technology to give you the clearest and most "real-life" viewing experience possible from the comfort of your home.

Not only that, but Comcast TV includes loads of extra programming so that you can watch television the way you want to watch it, when you want to watch it. One such programming feature is On Demand. This handy perk allows you to watch movies, sitcoms, comedy shows, practically anything, whenever you want to watch them so that they can fit your schedule and not the other way around.

PayPer View is another programming feature of Comcast TV that lets you watch the most current shows, movies, and live events such as football games, NASCAR races, or even speeches from popular politicians or speakers.

Perhaps the most important feature of Comcast's extra programming is its addition of a DVR (Digital Video Recorder) device. This allows you to record any show, at any time it comes on, and you don't even have to be there to record it! With the click of a button you can program your television to record a show whenever it is scheduled so that you can watch it later, whenever you want. You can even skip through commercials, or replay your favorite scenes over and over again, so what's not to love?

Among the other services Caymus California XFINITY Offers is Comcast High Speed Online. This internet service provider gives you not only the basics that you need to surf the internet hassle free, but much much more. With extremely fast internet speeds you will no longer have to wait for videos or web pages to load. If fast is not enough, though, you can even upgrade to Comcast's Power Boost which gives you even more speed for downloading all your favorite movies, videos, and files offline.

As far as internet media goes, streaming live and other forms of entertainment has never been easier, or quicker, With Comcast High Speed Online you will be able to even stream in HD quality! The ease of social and home networking has also been improved with such quick internet speeds, not to mention sharing pictures, instant messaging, video conferencing, and shoping online

Decide which Comcast High-Speed Internet Deals in Caymus CA work best for your situation at home Click for INFO

If you have a large family, multiple businesses, or just need multiple emails, Caymus California Comcast's internet service includes up to seven personal email accounts that everyone can enjoy.

Aside from having excellent speed, Comcast Internet in Caymus CA also has important extra features to make internet browsing safe, secure, and even more enjoyable. One such feature is the ability for Comcast users to access ESPN3.com, an exclusive sports website especially made for sports fans.

Another important extra feature of Comcast High Speed Online is its comprehensive Security Suite which has been created so that you can personalize your computer's security settings. This feature includes parental controls, virus scans, protection for your privacy, and much more. If you are looking for safe, fast, and affordable internet, give Comcast High Speed Online a try.

With Caymus California Comcast Digital Voice, a cheaper, hassle-free phone service has arrived. With a clear digital connection, you will not have to strain to hear the person on the other side of the phone line.

There are also a number of standard and optional features that come with the service. Standard calling features include call waiting, caller ID allows you to see who is calling, and can be set to appear on your TV screen as well as on your PC for the ultimate convenience. These features also include repeat dial, anonymous call rejection, speed dial, three-way calling, call forwarding, call forwarding selective, and more.

View the Comcast Digital Voice Packages in Caymus right now!

Aside from these features, also included is the Comcast Smart Zone Online. This feature allows you to conveniently check your voicemail, email, and access your universal address book all at the same time at Smart Zone Online.

Some optional features, for even greater personalization and usefulness, is the ability to add a personalized voicemail that you will be able to check from your home phone, smart phone, or from Smart Zone. Also, you can choose to retain your old telephone number to eliminate having to constantly remember new ones.

Finally, With Comcast Caymus California Digital Voice, a variety of phone plans to meet your intimate needs are available. One such plan constitutes unlimited local and nationwide calling so that you do not have to worry about long distance calls ever again. This plan even includes unlimited calls to Puerto Rico and Canada.

Another great plan from XFINITY is the International plan that includes International Carefree Minutes. Offering 100 antime minutes of phone time to the regions you like to call most, this plan is perfect for the common traveler, and will be important in a growing global society.

With great deals and great services, Caymus California Comcast has a multitude of offers for every individual, so why not find your ideal package at a great price today with Caymus CA XFINITY Deals?

Call for Caymus California Comcast Bundles 1-877-727-6584

Mention Comcast Promo: 5010072

Check availability of Comcast Deals in nearby towns:

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EXHIBIT L

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Welcome / Bienvenidos

Building faith in unity.

Feel at home, at ease, wanted, appreciated, accepted, embraced and made comfortable—these are some of the meanings attached to the wonderful word "Welcome."

We lovingly welcome you to St. John the Baptist Catholic Church and School—our faith home. Our family reflects the many faces and races of God's children in its rich diversity of culture and spirit of faith that we celebrate together.

Providentially named after the cousin of

Jesus who heralded the coming of the Savior—salvation to us all—St. John the Baptist Catholic continues to herald hope and joy, and has done so for more than 147 years since its founding in 1858. We are blessed with a sacred heritage that we treasure and belong to, for in these sacred places we worship, work, rejoice in the spirit that reflects Christ among us in generations past, present and to come.



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Mission / Vision / Values

Our Mission: Coming Together

in faith to pray and follow in the path of Jesus Christ, to serve as committed stewards of our Catholic faith through our parish church and school, and to minister with compassion to each other and our community.

Our Vision: Renewing

our individual faith and our faith family through prayer, celebration, mutual support, inclusivity, and hospitality, that we might walk more closely with God in Jesus Christ.

Our Faith-Based Values in Christ

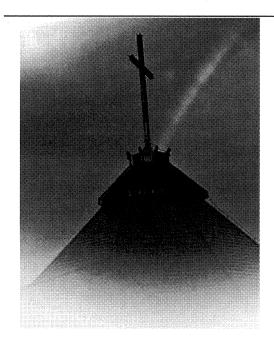
Build Unity - Foster Youth - Celebrate Diversity - Respect Traditions - Serve Others

News:

06-08-2012 St. John the Baptist Catholic Church and School Napa Announces New Music and Liturgy Director $\underline{\text{more...}}$

03-15-2012 St. John the Baptist Catholic Church Welcomes New Parochial Vicar Fr. Ramon Pons more...

02-29-2012 Eileen Simmons joins our Church and School $\underline{\text{more...}}$



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EXHIBIT M



Joseph Kent

LAIBBEZ LES BONS TEMPS ROULER



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Send







